

FILED BY ag D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 JUL 11 AM 10:33

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

FANNIE L. BOLDEN,

Plaintiff,

v.

No. 03-2827-B

AAMES FUNDING CORP., et al.,

Defendants.

**ORDER TO SHOW CAUSE, ORDER REOPENING DISPOSITIVE MOTION
DEADLINE AND ORDER CONTINUING TRIAL**

On July 7, 2005, this Court had scheduled a pretrial conference in this case for a trial to be conducted on July 18, 2005. At the conference were the attorneys representing the Defendants, however, no counsel appeared for the Plaintiff, Fannie L. Bolden, although one of the Defendants' attorneys indicated that she had spoken with Bolden's counsel approximately ten days ago concerning the upcoming pretrial conference. In responding to an inquiry from the Court concerning attorney Chris Brown's whereabouts, his office indicated that he was in another court. Consequently, the Plaintiff is ordered to show cause within eleven (11) days of the entry of this order why this case should not be dismissed for the Plaintiff's failure to follow orders of this Court and for counsel's failure to appear as directed by the Court. Failure of Plaintiff's counsel to respond to this directive may result in this case being dismissed with prejudice without further notice.

Defendants' attorneys had previously filed a second motion for summary judgment which this Court denied on July 5, 2005 based upon its untimeliness. The attorneys for Defendants,

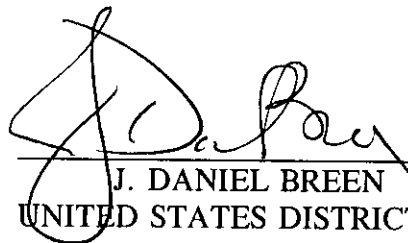
This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 7-11-05

25

Aames Funding Corporation and Aames Home Loan, stated that the Plaintiff had failed to appear at her deposition, although it had been set two or three times and that they had received no Rule 26 disclosures from the Plaintiff as to her remaining claim. Consequently, Defendants' attorney requested the reopening of the dispositive motion deadline to the close of business day on July 8, 2005 in order to resubmit its summary judgment motion. The Court believes that the request is well taken and therefore the dispositive motion deadline will be reopened to the close of business on July 8, 2005.

At the pretrial conference, the Court advised defense counsel that another case that was older than this one was presently set for trial on July 18, 2005 and most likely would be tried that week. Based on the fact that the Court would not be in session most of the following week, the trial of this case was reset for October 17, 2005, with a pretrial conference to be conducted on October 12, 2005, at 9:00 a.m. Accordingly, the present trial date of July 18, 2005 is continued.

IT IS SO ORDERED this 8th day of July, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 25 in case 2:03-CV-02827 was distributed by fax, mail, or direct printing on July 11, 2005 to the parties listed.

Stephen P. Hale
HUSCH & EPPENBERGER
200 Jefferson Ave.
Ste. 1450
Memphis, TN 38103

Buffey Klein
HUSCH & EPPENBERGER
200 Jefferson Ave.
Ste. 1450
Memphis, TN 38103

Christopher Lee Brown
GOTTEN WILSON SAVORY & BEARD, PLLC
88 Union Ave.
14th Floor
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT